

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL GHANNOUM

Plaintiff,

vs.

QATAR AIRWAYS Q.C.S.C d/b/a
QUATAR AIRWAYS Q.C.S.C
CORPORATION

Defendants.

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CIVIL ACTION NO. _____

DEFENDANT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Qatar Airways Q.C.S.C. ("Qatar Airways") files this Notice of Removal, and respectfully shows the Court as follows:

BACKGROUND

1. On September 5, 2013, Plaintiff Michael Ghannoum ("Ghannoum") commenced this action in the 133rd Judicial District of Harris County, Texas, Cause Number 2013-52059 ("State Court Action"), by filing Plaintiff's Original Petition, Interrogatories, Requests for Product, Requests for Admissions, and Requests for Disclosures ("Petition").

2. On September 16, 2013, Qatar Airways was formally served with summons and a copy of the Petition.

3. This Notice of Removal is timely because it is being filed within 30 days of the service of summons and a copy of the Petition on Qatar Airways.

4. The Petition alleges causes of action for tortious interference with prospective relations, intentional infliction of emotional distress, intrusion on seclusion, public disclosure of private facts, defamation, business disparagement, and exemplary damages, and "seeks monetary

relief over \$100,000 but not more than \$200,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.” Petition at ¶ 1. The Petition further requests a trial by jury. *Id.* ¶ 69.

5. Qatar Airways has filed an Objection to Venue and Original Answer Subject Thereto (“Answer”) in the State Court Action, but, hereby, reserves the right to amend the Answer and/or present other defenses or objections in accordance with the Federal Rules of Civil Procedure.

VENUE

6. Except as otherwise expressly provided by an Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where the action is pending. 28 U.S.C. § 1441(a). The Houston Division of the Southern District of Texas is the United States district and division embracing Harris County, Texas, the county in which the State Court Action was filed, and is pending. 28 U.S.C. § 124(b)(1).

DIVERSITY JURISDICTION

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)(1) because the matter in controversy exceeds \$75,000, exclusive of interest and costs, and is between citizens of different States.

8. At all times since and including the date the State Court Action was filed, Ghannoum has been an individual domiciled in, and a citizen of, the State of Texas. Petition ¶ 2.

9. At all times since and including the date the State Court Action was filed, Qatar Airways has been a corporation created and existing under the laws of the sovereign State of Qatar, with its principal of business located in the sovereign State of Qatar.

10. The Petition expressly states that it seeks damages in excess of \$75,000. Petition at ¶ 1.

11. In sum, this Court has diversity jurisdiction over this action because there is complete diversity between Ghannoum and Qatar Airways, and the amount in controversy exceeds \$75,000.

ATTACHMENTS AND STATE COURT NOTICE

12. Pursuant to 28 U.S.C. § 1446(a) and Local Rule 81(1)–(6), Qatar Airways attaches the following to this Notice of Removal: (1) as Exhibit A, all executed process in the State Court Action; (2) as Exhibit B, a copy of all pleadings in the State Court Action; (3) as Exhibit C, a copy of all orders signed by the state judge; (4) as Exhibit D, a copy of the State Court Action docket sheet; (5) as Exhibit E, an index of matters being filed; and (6) as Exhibit F, a list of all counsel of record, including addresses, telephone numbers, and parties represented.

13. As required by 28 U.S.C. § 1446(d), Qatar Airways will promptly give Ghannoum written notice of the filing of this Notice of Removal, and will file copy of this Notice of Removal with the Clerk of the 133rd Judicial District Court of Harris County.

PRAYER

WHEREFORE, Qatar Airways removes this action from the 133rd Judicial District Court of Harris County, Texas to the United States District Court for the Southern District of Texas, Houston Division, so that this Court may assume jurisdiction over the cause as provided by law, and seeks and requests any other relief to which it may be justly entitled.

Dated: October 10, 2013

Respectfully submitted,

By: s/ S. Cass Weiland

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**ATTORNEYS FOR DEFENDANT QATAR
AIRWAYS Q.C.S.C.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Defendant's Notice of Removal was served on October 10, 2013, via certified mail, return receipt requested, to the following counsel of record:

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**ATTORNEY FOR PLAINTIFF
MICHAEL GHANNOUM**

s/ Matthew A. Durfee
Matthew A. Durfee